

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 24, 1997

DIVISION ONE

B091481 Castillo (Not for Publication)
v.
Marriott Corporation

The judgment is reversed. Appellant is awarded costs.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
Ortega, J.

B096004 Suncrete Materials Company (Not for Publication)
v.
Norcross

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
Ortega, J.

B099450 Varon (Not for Publication)
v.
20th Century Insurance Company

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
Ortega, J.

October 24, 1997-Continued

DIVISION ONE (Continued)

B113868 Dept. of Children & Family Services (Not for Publication)
v.
Billy C.
In re Janice C., a Minor

The order of July 14, 1997, concerning the section 366.26 hearing and terminating father's parental rights, is vacated. The court is directed to set a contested section 366.26 hearing at the earliest date consistent with due process.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B105145 Sanabria (Not for Publication)
v.
Workers' Compensation Appeals Board
Sheraton Grande Hotel et al.

The order denying reconsideration is annulled as it relates to petitioner's claims of entitlement to (I) temporary total disability benefits for injury to her eyes, and (II) a Labor Code section 5814 penalty for delay in making temporary disability payments for the injury to petitioner's eyes. The board is ordered to render an award for item I, and to calculate and order a section 5814 penalty in accord with this opinion. In all other respects, the petition for writ of review is denied. In post-appeal proceedings, we direct the board to reevaluate the reasonableness of the attorney fees award, taking into account our disposition herein. (*Lawrence Drasin & Associates v. Workers' Comp. Appeals Bd.* (1992) 3 Cal.App.4th 1564.)

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

October 24, 1997-Continued

DIVISION ONE (Continued)

B111683 People
v.
Klytta

(Not for Publication)

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B107543 People (Not for Publication)
v.
Calbert

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

October 24, 1997-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B101184 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B104409 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

October 24, 1997-Continued

DIVISION ONE (Continued)

B105234 People v. Serin (Not for Publication)
B112666 In re Serin on Habeas Corpus

The judgment is affirmed. The petition is denied.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
 Dunn, J.

B108708 People (Not for Publication)
 v.
 Bushnell

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and J. Chlanda, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B104966 People v. Cabrere
B109022 People v. Baldwin
B109740 People v. Nidez
B104974 People v. Holguin
B103358 People v. Alcon
B101959 People v. Arbolella & Patina
B103537 People v. Duran
B108170 People v. Castanaza
B106553 People v. Chase
B105798 People v. Cook
B109534 People v. Nungaray
B107502 People v. Titmas
B098131 People v. Montgomery
B107536 People v. Garcia
B107875 People v. Reyes
B109919 People v. Saludado
B107253 People v. Means
B108432 In re Enos H. & Shirley W.
B103775 People v. Davenport
B107752 People v. Vega
B108036 In re Richard & Jolie R.
B110968 People v. Harris
B106298 People v. Arrellano
B105523 People v. Martinez
B107338 People v. Leslie
B110092 People v. Goodwin
B108709 People v. Moreno
B108985 People v. Quinn
B101614 People v. Torres & Vaquez

Argument waived, cause submitted.

DIVISION TWO (Continued)

B106782 People

v.

Raul M.

Merits:

Argued by Fay Arfa for appellant and by Kent Bullard, Deputy Attorney General for respondent. Cause submitted.

B101234 Carter

v.

Fair, et al.

Merits:

Argued by H.M. Carter, in propria persona and by Laron Lind for respondent. Cause submitted.

B105537 People

v.

Gonzalez

Merits:

Argued by James Bostwick for appellant and by Suzann Papagoda, Deputy Attorney General for respondent. Cause submitted.

B095438 Ishaq

v.

National Institute of Nutrition

Merits:

Argued by Stephen Pahl for appellant and by Jeffrey Sinek for respondent. Cause submitted.

DIVISION TWO (Continued)

B108041 People
 v.
 York

Merits:

Argued by John Goalwin for appellant and by David Eldridge, Deputy Attorney General for respondent. Cause submitted.

B097353 Baja, Inc.
 v.
 Century Medicorp

Merits:

Argued by Alexander Kirkpatrick for appellant and by Steven Kramer for respondent. Cause submitted.

B088595 Christofferson
 v.
 Michelin Tire

Merits:

Argued by Saul Shapiro for appellant and by Michael Goldberg for respondent. Cause submitted.

B099025 Zlotolow
 v.
 Levin

Appearances:

Jonathan Avila for respondent and no appearance on behalf of appellant. Argument waived, cause submitted.

DIVISION TWO (Continued)

B092277 Shalant
v.
Household Bank

Merits:

Argued by Raymond Fisher for appellant and by Joseph Shalant; G. Fraser, in propria persona and Carl Sonne, in propria persona for respondents.
Cause submitted.

Court Adjourned.

DIVISION THREE

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| B104968 | People v. Hargrave, IV | (Not for Publication) |
| B109330 | In re Hargrave, IV on Habeas Corpus. | |

The judgment of conviction of a violation of Penal Code section 273.5 (corporal injury to a cohabitant) is affirmed. We reverse that part of the judgment finding the following allegations true: Penal Code sections 1170.12, subdivisions (a) through (d) and 667, subdivisions (b) through (i), 667.5, subdivision (b) and 273.55. The cause is remanded for trial and resentencing on these allegations. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B106711 People (Not for Publication)
v.
Lee

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Aranda, J. (Assigned)

B112683 People (Certified for Publication)
v.
S.C.L.A.
Elena Shamis

Let a peremptory writ of mandate issue commanding respondent superior court to vacate its order of April 8, 1997, dismissing as to real party in interest Elena Shamis counts 1 (murder, Pen. Code, § 187) and 17 (insurance fraud, Ins. Code, § 1871.4, subd. (a)(3) of the information, and enter a new and different order reinstating the charges and denying the motion to dismiss the information as to those counts. The stay issued by this court on June 23, 1997, is vacated.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B099859 Bedrosian (Not for Publication)
v.
Keating, M.D., et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B096296 Vincenzi, et al. (Not for Publication)

v.

Petrow, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Aranda, J. (Assigned)

DIVISION FOUR

B097002 KTLA, Inc. (Not for Publication)

v.

Lentz

The judgment is reversed. The cross-appeal is dismissed as moot.
Appellant KTLA, Inc. is to have its costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Baron, J.